

February Commission Minutes

Tuesday

February 7th, 2017

8:30 a.m. – 4:15 p.m.

Met in Commissioner's Chambers

Meeting Called to Order:

Chair Brewer called the meeting to order at 8:30 a.m.

Commissioners Present:

Chair Rod Brewer and Vice Chair Ben Hurwitz were present for the meeting. Commissioner Herb Townsend was not in attendance.

Minutes:

ACTION #1

Commissioner Hurwitz moved to approve the minutes from the January 17th, 2017 meeting. Chair Brewer seconded the motion. Minutes were approved.

Road Report- Bruce Smith:

Road Supervisor Bruce Smith and Foreman Tim Collins entered the chambers at 8:30 a.m.

Smith started off discussion with asking if the Commissioners would contact the Hill County Commissioners about the proposed offer from Hill County regarding their interest in the Meagher County disks. Smith discussed the communication problems that have arisen between him and the Hill County Road Supervisor. Chair Brewer said he would contact Hill County Commissioners to talk over the situation.

Discussion then turned to a letter received from a county citizen over concerns with snow plowing on the Lingshire Road. Smith and Collins discussed their concerns about the additional distance being requested and how the Commissioners felt on the issue. Commissioners responded that priorities for snow plowing need to be school bus routes and mail routes. The additional plowing requested should be if people will be living down that portion or cattle are present. The Road Department agreed to plow the additional miles requested if given a minimum three day notice. Commissioners stated they would make contact with the county citizen to discuss the agreed upon terms.

Dan Rooney, from Rooney Quality Construction and Plumbing, entered the chambers at 9:00 a.m. with engineer plans for the County Shop.

Rooney presented the plans for the County Shop to the Commissioners, Smith, and Collins. The plans include the new size of the building, concrete floor, and electrical. He said that he spoke with Townsend Electric to ensure the electrical to be installed meets state requirements. Commissioners asked if there was an explanation for the electrical in addition to the drawing and the cost for the preparation of the drawing. Rooney stated that an explanation can be added to the drawings and he is unsure of the cost for the plans. Smith and Collins asked about making small revisions to the plans and the revisions were considered. Rooney will take the requested revisions back to the office and have new plans drawn up. Once completed he will return with copies to the courthouse to be given to contractors who wish to place a bid on the project. Commissioners thanked Rooney for his services and requested that a bill be provided for the drawings. Commissioners stated that the building will go out for bid in the Meagher County Newspaper once the most recent engineered plans are received and reviewed.

Sheriff Report – Jon Lopp:

Sheriff Jon Lopp entered the chambers at 9:30 a.m.

Lopp presented the Commissioners with his Complaint Report for January 2017. He stated that last month dealt with a high number of road slide-off calls due to weather conditions. Lopp also updated the Commissioners on the DUI Task Force Superbowl party hosted for students in grades 7 through 12. He said there were 32 students in attendance and local businesses donated the prizes that were raffled off. Commissioners asked how the IT transition was going with JAM Computers. Lopp reported that all is running smoothly with the transition. He also discussed that the potential SWAT Training on an active shooter with Cascade County was no longer feasible as demolition on the High School has begun.

Extension Report – Bob Sager:

Extension agent Bob Sager entered the chambers at 10:00 a.m.

Sager started out his presentation with concerns regarding a computer he purchased through MSU for use. He wanted to know if the County was responsible for any payment towards the computer or solely MSU. Commissioners were unsure and called Nico Cantalupo, previous extension agent, to answer the question. Cantalupo said that he believed it was MSU which provided computers for the Extension Agent and not the county. Sager said he would continue to look into the issue and update the Commissioners on his findings. Sager then entered in discussion about the success seen with the Pesticide Training day and organizing a presentation

on alternative crop production. He also stated that the Livestock Quality Assurance presentation for the 4-H participants went very well and he is still filling out grants to secure funding for the covered show barn he wishes to construct.

Airport Weather Station – Kurt Burns & Dayna Ogle:

Kurt Burns and Clerk & Recorder Dayna Ogle entered the chambers at 10:30 a.m.

Burns started off the discussion stating that Mike Beckhoff received approval for a loan through the MTD for \$18,500 which will be the 10% match for the county to install the AWOS-II Weather Station. He also disclosed that in a recent conversation with Rob Brandt, CEO of Mountain View Medical Center, the hospital has secured 10 years of maintenance funds for the weather station. Commissioners asked Ogle and Burns if they knew the terms for the loan and how needed the weather station would be for our area. Ogle stated she was unsure of the direct terms but believes it would be a 10 year note. Burns stated that the AWOS-II Weather Station would highly benefit Meagher County. It would give accurate weather to Air Ambulance pilots when deciding to come in for a pick up, instead of trying to get a hold of Burns or Rob Brandt to understand the current weather conditions. Burns suggested calling Mike Beckhoff to help with answering questions regarding the funding towards the weather station. At 10:40 a.m. Mike Beckhoff was called into the meeting by phone to answer the questions regarding the loan. The loan is solely for the AWOS-II Weather Station and if upgrades wanted to be made to the signs it would cost the county an additional \$3,000. Ogle asked if this was going to be in the current fiscal year or the 2017-2018 Fiscal Year. Beckhoff stated that the FAA Grant should come in June of 2016 but billing would not take place until the 2017 -2018 Fiscal Year. Ogle said that she would watch for billing and could make a budget amendment if needed. Commissioners asked Burns to get an agreement in writing from Rob Brandt regarding the maintenance funds secured by the hospital.

Clerk & Recorder Update – Dayna Ogle:

Ogle presented the Commissioners with the Agreement drawn up by the County Attorney Kimberly Deschene regarding IT Services from Jim McDanel with JAM Computers. JAM Computers is willing to continue working for Meagher County as an independent contractor for \$30 an hour.

Ogle also presented on the behalf of Deputy Clerk and Recorder Penny Plachy and county Sanitarian Sean Hill about establishing a late penalty fee for renewals on septic system installer licenses. The hopes of starting a late fee would make the installers more accountable about renewing their licenses in a timely fashion. The Commissioners were unsure about the process and wanted to talk directly with the County Sanitarian Sean Hill regarding the matter.

Ogle then asked the Commissioners if she could contact County Attorney Kimberly Deschene about petitioning Judge Spalding on the deconsolidation of the Superintendent of School from the Clerk and Recorder Office and consolidating with Treasurer's Office. MACo legal counsel informed Ogle that the county could possibly petition the court to release the county from the statute that states an elected office can only deconsolidate at the end of the term.

ACTION #2

Commissioners gave Ogle permission to ask the County Attorney about petitioning Judge Spalding.

Quarterly Budget Review – Dayna Ogle:

Clerk and Recorder Dayna Ogle presented the Commissioners with the budget for review.

Ogle explained that for departments to be on track with their budget 60% or less should be spent at this point. Ogle and the Commissioners went through and discussed areas of concerns. No budget amendments were needed at this time.

Review Proposed Action Revised Forest Plan – Jess Secrest:

Jess Secrest entered the chambers at 1:00 p.m.

Secrest and the Commissioners discussed major questions and points that should be presented to Bill Avey during their discussion time with him at 1:30p.m. The largest areas of concern for discussion was how funding worked for the Forest Service, especially with budget cuts, timber removal, and roadless areas versus wilderness areas.

Proposed Action Revised Forest Plan – Bill Avey & Carol Hatfield:

Bill Avey, Carol Hatfield, and Beth Ihle entered the chambers at 1:20 p.m. Jess Secrest remained in the commission chambers and joined in on the discussion.

Discussion started off with the Commissioners inquiring how the budget system works for the Forest Service and priorities when budget cuts are made. Avey responded that the budget for the Forest Service is set by Congress and enforced by the Appropriations Committee. Each department is given budget lines which earmarks the funds for specific use with targets that must be met. Funds cannot be exchanged between budget lines. When budget cuts occur it is percentage based rather than programs funding being directly cut. His example is that over the

last 5-10 years he has seen a decrease of about 50-60% in the budget regarding road maintenance. Avey discussed that departments can help each other out when making required targets for the budget lines but must be approved through the Appropriations Committee. He restated though that budget comes down to what Congress approves and they must work within those parameters.

Commissioners and Secrest then asked for Avey to clarify the difference between the areas that are considered Roadless and those of a Wilderness or Proposed Wilderness. Avey discussed a brief history about how the current Roadless areas became designated under the Clinton Administration in 2001. Roadless areas you are allowed to use mechanized equipment for maintenance, logging, and grazing can take place. There are regulations regarding the maintenance which can be performed in Roadless areas. Designated Wilderness areas and Proposed Wilderness areas must appear untouched by man. Minimal to no maintenance is allowed on the lands by hand tools only, nothing can be mechanized. Also no recreational sports are allowed in this area, examples being mountain biking, snowmobiling, four wheeler use etc. The intent of the Wilderness area is that if you visited the area today the experience would be similar 20 years from that day. Wilderness areas can only be designated by Congress. Commissioners asked if the areas that are being proposed treated in a different fashion then the Designated Wilderness Area and how they choose an area for the proposal list. Avey replied no, a Proposed Wilderness Area must be maintained in the same fashion as a Designated Wilderness Area to maintain eligibility. As for choosing the areas to be proposed the Forest Service must find areas with a minimum 5,000 acres that would be of least impact to the public. The Commissioners told Avey they don't want any area in Meagher County set aside for Wilderness.

Discussion then led to Timber Removal within the plan. Commissioners wanted to know if there were projected numbers of board feet the Forest Service is hoping to remove within the constrictions of the new plan. Avey answered the Commissioners that the hope is to increase the amount of timber harvested, especially in the Little Belt Mountains. His goal is to get roughly 10-30 million board feet harvested annually for a sustainable amount of time. The initial year, once the plan is signed, might see an upwards of 70 million board feet harvested. Ihle spoke that the timber harvest would also be in some of the vegetation projects to help with fuel reduction. She also explained that some of the timber removal falls under Scenery Management restrictions. Meaning that areas must appear to look as natural as possible once management is finished, no harsh lines or vacant areas. Avey also replied that with an increase of timber being harvested PILT might see an increase for the counties. Discussion then lead into the brief history of PILT and Secure Rural Schools with the Commissioners. Also Hatfield and Avey brought up grants and working with the Rural Advisory Council and the Federal Lands Access Program to help maintain rural county roads.

Avey ended the discussion with the Commissioners that when they write their letters for comments to please state their concerns and provide reasoning. He also expressed that the letters must be received prior to March 31st, 2017. The comment period on the Proposed Action Revised Forest Plan ends on March 31st, 2017. Avey thanked the Commissioners for taking time to discuss the concerns about the new plan. He is hopeful that this new plan will be more flexible for future circumstances versus the old plan.

Entitlement Funds – Dayna Ogle:

Jason Phillips from the Meagher County News entered the chambers at 3:30 p.m. to discuss with the Commissioners about printing the Commission Minutes in the Meagher County News. The Commissioners and Phillips agreed approved minutes would be printed in the Meagher County News. Phillips would receive a digital copy of the approved minutes by 9 am each Tuesday the Commissioners meet.

Clerk and Recorder Dayna Ogle came up to discuss moving Entitlement Funds to the General Jail Fund in the amount of \$1,744.00 to help cover costs of renovations requested by Dispatch Services.

ACTION #3

Resolution 2017-#9

Commissioner Hurwitz made a motion to transfer \$1,744.00 from Entitlement Funds to the General Jail Fund to offset remaining renovation costs. Chair Brewer seconded the motion. A vote was taken and passed. The issue is hereby resolved.

Commissioners asked Ogle to explain the details of funding regarding the DUI Task Force. Ogle explained that Meagher County and Park County operated with a combined DUI Task Force until 2015. The funding for the DUI Task Force comes when a person is convicted of a DUI and loses their Driver's license. The \$200 Driver's License Reinstatement fees are split 50% between the State of Montana and the County who issued the ticket. The County only receives the funding if they have a DUI Task Force in place. In 2015 the legislature passed a bill allowing the Department of Transportation to disperse funds collected from counties without a DUI Task Force. The funds for Meagher County were originally estimated at \$18,000. The actual amount received was \$10,950. Going forward the Meagher County DUI Task Force will receive \$300 - \$400 quarterly. Ogle did state that currently the DUI Task Force has roughly a \$3,800 cash balance in the fund. The bulk of the initial disbursement, approximately \$8,000, was utilized to purchase body cameras for the Sheriff and deputies.

Public Comment:

County Attorney Kimberly Deschene entered the chambers at 3:45 p.m.

Commissioners, Ogle, and Deschene entered in a discussion regarding the inventory she would like to purchase from the county. Previous discussions left discrepancies of the exact inventory Deschene was proposing to purchase from the county for Deschene and Swandal PLLP. Deschene stated that Deschene and Swandal would purchase the furniture and technology equipment from the County at fair price. A value needed to be assessed on the items since depreciation had taken place. Ogle presented documentation containing all the equipment and furniture in the County Attorney Office. The file also contained a list of items owned jointly by Deschene and Swandal PLLP and Meagher County. Commissioners and Deschene agreed that value needs to be placed on items in which she seeks to purchase. Deschene requested copies of the receipts from Ogle. Commissioners then stated that once a total value is presented a formal resolution would be made for the purchase.

Discussion then led to the IT Agreement that Deschene drafted. Deschene answered the questions regarding the agreement from both Ogle and the Commissioners. Commissioners agreed to send the agreement to Jim McDanel with JAM Computers for his approval. Ogle then asked Deschene if she would look into petitioning the court regarding the consolidating of the Superintendent of Schools with the Treasurer's Office. Deschene said she would look into the process and report back to the Commissioners.

Claims Approved:

Commissioners were presented with Check #52552 through Check #52619 totaling \$41,472.72. All checks were signed as presented.

Meeting Adjourned:

Meeting was adjourned at 4:15p.m.

Tuesday
February 21st, 2017
8:30 a.m. – 2:00 p.m.
Met in Commissioner's Chambers

Meeting Called to Order:

Commissioner Hurwitz called the meeting to order at 8:50 a.m.

Commissioners Present:

Chair Rod Brewer and Vice Chair Ben Hurwitz were present for the meeting. Commissioner Herb Townsend was not present.

Minutes:

ACTION #1

Commissioner Hurwitz moved to approve the Minutes from January 10th, 2017 and February 7th, 2017 meeting. Chair Brewer seconded the motion. A vote was taken and minutes were approved.

Treasurer's Report – Sue Phelan:

Treasurer Sue Phelan entered the chambers at 9:00 a.m.

Phelan presented the Commissioners with the Cash report for January 2017. Phelan ask the Commissioners to approve a \$1.00 per hour raise to both Maura Kusek and Kim Perdue.

ACTION #2

Resolution 2017- #10

Commissioner Hurwitz moved for a \$1.00 per hour wage increase to Maura Kusek effective as of October 2016 and Kim Perdue effective January 2017. Chair Brewer seconded the motion. A vote was taken and passed. The issue is hereby resolved.

Road Foreman Tim Collins entered the chambers at 9:10 a.m.

Commissioners and Collins discussed the purchase of a Grader Mounted Disk for \$5,000 by Chouteau County. Chouteau County would pay \$2,500 down and the remainder \$2,500 in a year. Commissioners and Collins also discussed the building plans and set to put the County Shop out to bid in the Meagher County News.

Clerk and Recorder Dayna Ogle entered the chambers at 9:40 a.m.

Ogle presented the Commissioners with a check for signature. The check was formally a “stale dated check” from 2013 and was re-issued to remove it from our outstanding check list. Ogle and the Commissioners discussed briefly the reasons for the process.

Commissioners and Ogle then discussed a major language concern found within the Law Enforcement Agreement proposed by County. Ogle believes that the language should read that the Special District Tax is for Special Police and Mosquito. Commissioners agreed with Ogle to change the language in the Law Enforcement Agreement.

Local Option Tax – Shauna Porter:

Shauna Porter entered the chambers at 10:00 a.m.

Porter started discussion that the City proposed changes to the Local Option Tax Agreement. *The Local Option Tax, aka County Option Tax, is a tax on light weight vehicle registration started in 1991. When broken down for disbursement the County receives 50% of the license fee and the second 50% is split between the County and the City by ratio of population.* The City Attorney, Susan Wardol, contacted the Treasurer’s Office asking for the repayment of five total incorrect years. Five incorrect years would make for a repayment amount \$61,591.09. The repayment plan would span across approximately five years.

ACTION #3

Resolution 2017-#11

Chair Brewer made a motion to pay the City for five incorrect years of payment on the Meagher County Local Motor Vehicle Option Tax totaling \$61,591.09. Commissioner Hurwitz seconded the motion. A vote was taken and passed. The issue is hereby resolved.

Porter also reported that Meagher County’s Property Tax Revenue was reduced by approximately \$3,800.00 annually due to the Forest Service purchasing the 8,220 acres in the Tenderfoot from the Bair Company.

Missouri River Drug Task Force – Jon Lopp:

Sheriff Jon Lopp entered the chambers at 10:25 a.m.

Deputy Cody Wilson entered the chambers at 10:35 a.m.

Lopp started off discussion if there was any questions regarding the pre-presented Agreement with the Missouri River Drug Task Force. Commissioners asked what the benefits for Meagher County were to be a part of the Missouri River Drug Task Force. Lopp responded that it is a beneficial relationship to Meagher County being a part of the Missouri River Drug Task Force because they help with the trafficking of illegal drugs. There is no monetary cost that Meagher County incurs, the only stipulation is that Lopp writes a letter of support for the Missouri River Drug Task Force for funding. Lopp explained the Missouri River Drug Task Force is a resource to report and receive information about illegal drug trafficking in the area. The Meagher County Sheriff's Office can give information about an illegal drug issue locally and the Missouri River Drug Task Force would then investigate the situation. Commissioners asked for more time to read the document and tabled signing the agreement until the next scheduled Commission Meeting.

Discussion then turned to an agreement with the Forest Service. The agreement is between the Meagher County Sheriff's Office and the Forest Service to provide patrols. Stated in the agreement is the payment of wages and mileage for the vehicles used. This also helps when local law enforcement is called upon as security during fire related incidents. Lopp also stated that the money has helped replace equipment in the past. Commissioners asked if the patrols would ever take place during a scheduled time as a Meagher County Officer. Lopp answered that all patrols occur when a deputy or himself is off duty from scheduled shifts. Commissioners asked for more time to review the agreement and that it would be best to have Commissioner Townsend's input. The agreement has been tabled until Commissioner Townsend returns.

Commissioners and Lopp then discussed the House Bill 472; An Act Prohibiting A County Attorney or Deputy Attorney From Possessing A License To Sell or Serve Alcohol or Having An Interest In A Premises That Sells or Serves Alcohol; And Amending Sections 7-4-2704 And 16-4-401, MCA. Commissioners and Lopp discussed the bill and agreed it was going nowhere. The Commissioners were informed by phone that Representative Wylie Galt believes the bill was going nowhere as well.

Fire/DES Report – Rick Seidlitz:

Fire Chief Rick Seidlitz entered the chambers at 11:00 a.m.

Seidlitz presented the Commissioners with a Bair Grant for signature. If the grant is received the intentions of the Fire Department is to use the money towards equipping the new Structure Fire Truck Received in the fall of 2016. Chair Brewer signed the Bair Grant Letter. No new items were reported at this time.

Sanitarian Update – Sean Hill:

Sanitarian Sean Hill and Deputy Clerk and Recorder Penny Plachy entered the chambers at 11:30 a.m.

Sanitarian Hill started into discussion with the Commissioners that in 2016 all Retail Food Service Inspections were completed. Brief discussion happened about the requirements for inspections on the Retail Food Service Establishments.

Sanitarian Hill then went into discussion about concerns regarding Septic System Installers and renewal fees. He updated the Commissioners that in 2016 DEQ updated their rules and regulations for installing septic systems. Hill would like to update the County Regulations since the rules in place haven't been updated since 2003. In the update of the rules it would include information about the County's fee schedules and prices. Hill and Plachy proposed to the Commissioners about having all the installers re-test in 2018 when they renew their license in Meagher County. Also that there be a late fee in place after a 30 day renewal period. There was discussion on why a late fee should be imposed and what an appropriate fee would be. Installer renewal fees are \$25.00, so a \$25.00 late fee was proposed and accepted. Commissioners asked how detailed the test would be for the installers to. Hill answered that the test would take at most thirty minutes to complete and could be corrected by either himself or Plachy.

ACTION #3

Resolution 2017-#11

Commissioner Hurwitz moved to instate a late fee penalty of \$25.00 after a 30 day period for all Septic System Installers to renew their license within Meagher County. Chair Brewer seconded the motion. A vote was taken and passed.

Hill would draft a proposal to Commissioners about the new Septic Systems Regulations for Meagher County.

Extension Update – Bob Sager:

Extension Agent Bob Sager entered the chambers at 1:11 p.m.

Sager updated the Commissioners that he was still working with MSU about the computer he received. Commissioners and Sager entered into a short discussion about the payment issue. At this time Commissioners believe MSU should be responsible for providing the MSU-Extension agent with proper computer.

Discussion then turned to the Covered 4-H Show Arena Sager is hoping to construct. Sager reported to the Commissioners that at this time he has submitted a total of 10 grants including an application with the Bair Foundation. He is planning on submitting more grants and intends for the structure to be paid by the grants. Commissioners and Sager then discussed the reporting requirements of the grants, what funding would be coming from the 4-H Council, and the specifications of the building.

Public Comment:

No Public Comment.

Claims Approved:

Commissioners were presented with check number 52620 through check number 52644 and check number 52646 totaling \$27,152.83 and Check number 012018 totaling \$22.19. Check number 52645 was voided due to printing error and Check number 218553 was voided as a “stale dated check”. All checks were signed as presented.

Meeting Adjourned:

Meeting was adjourned at 2:00 p.m.

Tuesday
February 28th, 2017
1:30 p.m. – 4:00 p.m.
Met in Commissioner's Chambers

Meeting Called to Order:

Chair Brewer called the meeting to order at 1:30 p.m.

Commissioners Present:

Chair Rod Brewer and Vice Chair Ben Hurwitz were present for the meeting. Commissioner Herb Townsend was not present.

IT Supervisor Jim McDanel and Clerk and Recorder Dayna ogle entered the chambers at 1:30 p.m.

McDanel entered into discussion with the Commissioners about server replacement that took place in the Courthouse and the Sheriff's Office. Discussion then led to replacement of county computers. Commissioners asked McDanel if he would create a prioritized replacement list. Budgeting for the replacement was discussed. Ogle stated that a budget line could be added as small equipment for departments which would earmark funds for the replacement of computers. Commissioners suggested that Ogle and McDanel work together during the next Fiscal Year Budget to ensure all computer needs are met.

Minutes:

Clerk and Recorder Dayna Ogle brought to the Commissioners' attention recent phone calls she received regarding the approved minutes that were published in the Meagher County News. Commissioners and Ogle then entered into discussion about the phone calls. Commissioners agreed to revise the minutes that contained areas of concern.

ACTION #1

Chair Brewer moved to approve the minutes from the February 21st, 2017 meeting with corrections. Commissioner Hurwitz seconded the motion. A vote was taken and minutes were approved.

Window Update – Ken Martin:

Building Maintenance Manager Ken Martin entered the chambers at 2:00 p.m.

Commissioners and Martin entered into discussion about replacing windows within the Courthouse. Martin stated that seventeen windows required replacement within the building. Commissioners and Martin agreed to get the seventeen windows measured and placed out to bid.

Missouri River Drug Task Force – Jon Lopp:

Sheriff Jon Lopp entered the chambers at 2:20 p.m.

Lopp presented the Missouri River Task Force Agreement for signatures which led into a brief discussion. Commissioners signed the Missouri River Drug Task Force Agreement. Discussion on the agreement between the Forest Service and Meagher County Sheriff's Office was tabled again until Commissioner Townsend returns.

Closed Session

Public Comment:

Jess Secrest entered the chambers at 3:20 p.m.

Secrest presented more information to the Commissioners on the Proposed Action Revised Forest Plan. Commissioners and Secrest agreed to meet during the next scheduled commission meeting to draft the comment letter on the behalf of the commission to submit for review regarding the Proposed Action Revised Forest Plan.

Clerk and Recorder Dayna Ogle entered the chambers at 3:40 p.m.

Secrest, Ogle, and the Commissioners entered into discussion about the DNRC Grant awarded to Meagher County. Ogle had concerns about how the money was to be handled through the county. Secrest stated that the money was to be given in one lump sum, he will have semiannual reporting to complete, and the funds need to be utilized by January 1st, 2019. Ogle will create a separate fund for the DNRC Grant. Commissioners agreed that the awarded money should be placed into an individual fund.

Claims Approved:

Commissioners were presented with check number 52647 through check number 52684 totaling \$20,293.56. Payroll checks were also presented for signature. All checks were signed as presented.

Meeting Adjourned:

Meeting was adjourned at 4:00 p.m.